

1901-030 Chancery Causes: Elkanah Johnson vs. Georgia Ann Johnson
Lee Co.

Stinson, Bowman, Shoemaker

CA-Divorce

T-Vices

* further alleges that said George Ann prior to this and her marriage had been without the knowledge of your orator a prostitute which fact was unknown to him or after said even was printed notice after she left him as aforesaid

To the Hon. E. A. W. Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining, your orator, Elkanah Johnson, a citizen of this County and State, would respectfully represent unto your honor, that *he being a widower at the time* on or about the 10th day of January, 1901, ~~he~~ married one George Ann Stinson, or at least she gave herself that name; that after their marriage, they lived together as your orator thought peaceably and happily, until the evening of February 3rd, 1901, when for no cause known to your orator, his said wife, while he was away from home, visiting a sick daughter, left him with another man, whose name your orator does not know, nor has been able to learn who he was; that his said wife without ~~his~~ *as well as others* consent, connivance or procurement has committed adultery with the said unknown man; that your orator has not in any way condoned her said *after knowledge of the fact of her adultery* adulterous acts; that your orator is now and has been for more than a year previous to the institution of this suit a citizen and resident of this county and State; and that the said George Ann, is now out of this Commonwealth, and a non-resident thereof. *and your orator* *

Now, your orator is advised that the said premises being true, he is entitled to have his said marriage annulled, vacated and set aside; and to that end he prays that your honor take cognizance of his said cause of complaint; that on a final hearing, he be given a decree granting him a divorce a vinculo matrimonii from said George ANN Johnson; that she be made a party defendant to this bill of complaint, and be required to answer the same, but she need not do so on oath as that is waived; that an order of publication be duly made against her as the law requires in cases of non-resident defendants; and that all other, further and general relief be awarded your honor, that the nature of his cause may require, to comport with good conscience and equity. And he will ever pray, etc.

Peruington Broo P161

Virginia,

Lee County, to-wit:

This day Elkanah Johnson appeared in person before me, a justice of the peace in and for the county and State aforesaid, and made oath that Georgia Ann Johnson, against whom he is about to institute a suit in chancery, in the Circuit Court for Lee County, Va., is a non-resident of this State.

Given under my hand this the 18th. day of March, 1901.

W. S. Orr J.P.

Filed April 1st 1901.

A. B. Munsey Clerk

Witnesses,

Albert Johnson

Vincent Shoemaker

Thos Bowman.

Elkanah Johnson
 vs } Bill in Chancery
 Georgia Ann Johnson

Plaintiffs Costs
 Clerk 5.33
 Tax 1.50
 Shff .60
 atty 15.00
 J P 1.50
 Clerk for Depos 1.50
~~Commission~~
 roots 1.00

 26.43
 Printer 5.00

 \$31.43

1901. 1st April rules bill
 filed Order Publication
 for non-resident
 Defendant & Contd
 " 2 April rules Contd
 for O. P. to Complete
 " 1st May rules O. P.
 Complete & Cause set
 for hearing

1901 June Term Decree
 final Order Book
 No. 6 Page 548

1900 to 10

Elkanah Johnson

vs.

Georgia Ann Johnson

} In Chancery

This cause came on this day to be heard upon the bill of the complainant and the depositions of witnesses; and it appearing to the court that an order of publication has been duly made, published and posted for said defendant as the law requires in the case of non-resident defendants; Our consideration of all which and for reasons appearing to the court it is adjudged, ordered and decreed that said Elkanah Johnson be and is hereby granted and awarded a divorce a vinculo matrimonii, forever dissolving the bonds of matrimony, now and heretofore existing between said plaintiff and defendant; and said plaintiff will recover his costs from said defendant. And this cause is stricken from the docket.

Eck. Johnson

vol } Ocean
 } Journal

George A. Johnson

Entered on Chancery
Order Book No 6
Page 548+9

Enter this
June 8th 1901

H. C. W. Brown

have known Elkanah Johnson for 15 or 20 years, and his wife something like two years.

Ques Do you know about the time they were married?

Ans Yes I saw them the day they were married, I do not remember the date of their marriage, but I do remember that it was after Christmas of 1900.

Ques When and where did you last see said George Ann Johnson, and who was with her if you know, and what was her conduct?

Ans The last time I saw her was on Monday night after the Sunday night on which she left the plaintiffs home, I saw her at the Dickenson ford of Powells River about 2 miles South of Jonesville, and about 8 or 9 miles from the plaintiffs home. I was on the South Side of Powells River and heard some one hollow for the Canoe to be brought over. I took it to them, and found to my surprise, them to be George Ann Johnson and a man whom I did not know. I know the man was not the plaintiff, this was something like one hour after dark, when I recognized the woman to be said George Ann Johnson I asked her what she was doing there, and her reply was that she out "Bumming"

I set them over the River, and after I got them over, She Called me to one side and ~~and~~ gave me a drink of Liqueur, and told me never to tell that I had seen her there, on the same side of the river where I set them over, there was two other men with three horses waiting for them one of the two men who were waiting asked the man who was with Defendant why he had not gotten back sooner, and he replied that he could not make his arrangements to do so any sooner, he said that he waited near the house of the plaintiff till he saw the plaintiff and some else leave the house, and that he then went to the house and got her and some of her things and left with her, this talk was had in the presence of the Defendant and in her hearing, She also told how they left and how they had to do to get away, these three men got to talking with one another as to which She should ride behind first, after laughing and parleying with one another a little while, She said She would ride behind her "fellow" and designated that man to be the one who came with her to the river, When She thus chose her preference one of the other men said they thought that man who she selected had been with her and "fellowed" her long

enough, the men then got on their horses and she got up behind the man that brought her to the river and they all rode away, saying that they were going back to Tenn. She said she was going back to her old 'beat and leave the said plaintiff in the Poor Valley to keep Bachelors hall again.

Ques

State whether you ever saw any unbecoming conduct out of said defendant after she and said plaintiff were married, if so state what it was?

Ans

About a week after they were married I was at the plaintiff's house but he was not there himself. the said defendant laughingly pulled my ears and said she wanted to go home with me. She asked me to come back and get her, but I told I would not. I next saw her as at the river as above stated. I know that before her and the plaintiff were married to each other, she had, had Carnal Connection with as many as three men. and I have no reason to believe or even suspect that said plaintiff knew that she was not chaste previous to the time they were married to each other. her unchasteness I speak about was in Tenn last fall a year ago. She had only lived a short time in the Community of the plaintiff

57
previous to their Marriage to one another,
She was living at Patton Hoover's at the
time he married her,
and further this deponent saith not.

Witness so

William ^{his} Bowman
mark

Virginia Lee County to-wit:

I A. B. Munsey Clerk of the Circuit Court for
Lee County Virginia do hereby Certify that
the foregoing deposition of ~~Wm~~ Bowman
was taken subscribed, and sworn to before
me in my office on the 24th day of April
1901. Given under my hand this the 24th
day of April 1901.

A. B. Munsey Clerk

Elkanah Johnson
} Deposition
of

George Ann Johnson
taken before me and
filed April 24th 1901

A. B. Muncy, Clerk

Clerk 1.50
Frit 50,
2.00

The depositions of H.B. Shoemaker and others taken before me, J. H. Orr a Justice of the Peace in and for the County of Lee and State of Virginia, at the law office of E. W. Pennington in the town of Pennington Gap, in Lee County, Va., on the 26th day of April, 1901, to be read as evidence in behalf in behalf of Elkanah Johnson in a certain suit in equity now depending in the Circuit Court for Lee County, wherein Elkanah Johnson is Complainant and George Ann Johnson is Defendant.

Present E. W. Pennington for the plaintiff

No one present for the Defendant.

9 H.B. Shoemaker, a witness of lawful age, after being duly sworn deposes as follows:

Ques What is your age, residence and occupation

Ans. I am 20 years old, live in Lee County in the Poor Valley

and from 200 to 300 yds.
from said plaintiff.
I am a farmer.

qms.

State if you knew George
Ann Johnson, if so how
long did you know her

ans.

She and said Elkannah
were married a little
while after Christmas of
1900, and she and he lived
together for something
like three weeks or a
little more. I never knew
her until after she and
he were married together.
She left him on one Sun-
day evening, and I have
never ^{seen her} since that day. I do
not know where she is
now.

with claims
1 day 304

And further this deponent
saith not.

L. B. Shoemaker

Elbert Johnson another witness
of law full age, after being
duly sworn deposes as
follows:

I am a brother of the said

Elkanah Johnson, and live
in a house in the same yard
that his house is in; both
of our houses are nearly ad-
joining. I am 30 years old,
and have been living in the
same house that I am now
living in for four or
five years. I remember
when said Elkanah and
George Ann were married;
I think it was on January
10th 1901; I knew her only
a few weeks before they
were married to each
other. I do not know where
said defendant came from
to our neighborhood; she
was not raised in that
neighborhood. She was stay-
ing at the time my brother
& she were married at
Dave Strovers. After they
were married, he and she
lived together until on
Sunday evening February
3rd 1901, when she left about
dark of that day; I did not
see her leave, but I saw her

in the plaintiff's house about twenty minutes before the plaintiff came to his door and told me she was gone. I then went into the plaintiff's house and on search we found that her clothes were gone, also. A few minutes before I learned that she was gone, I saw my brother going down towards the house of Charles Reynolds. He was not gone more than ten minutes until he came back and after going into his house came to his door and told me she was gone. Mr. Reynolds's wife was sick, and a few minutes before I saw him going towards Reynolds's house, I saw him hunting for some medicine to take to her. After he came back from Reynolds, and he found that his wife was gone, he and I got out and hunted for her, and he called for her as loud as he

Could, for several times, but at
no time did he get any an-
swer from her. The night
she left, on the ridge side was
a little snow, and also after
she left, ~~that~~ it snowed a
little more. And after daylight
next morning, I went out
to see if I could track her
in the snow. On the north side
of the Poor Valley ridge, I found
some tracks; one was small
like a woman's and the
other considerably larger,
like a man's track. I have
not seen her since the day
she left. She has not
been back to the plain tiffi
house since. Nor do I know
what became of her. I
think while he and she lived
together they got along all
right. I did not know, or hear
of them having any trouble
with one another. He was
good to her. She lived at David
Hoover's something like three
weeks before they were married.

I don't think he and she
ever knew each other before
she came to said Hoovers.

And further this deponent
saith not.

^{his}
Elbert X Johnson
mark

George Johnson another witness
of lawful age after being duly
sworn deposes as follows:

I am 21 years old, and
a son by a former marriage
of Elkanah Johnson. After my
father married said defendant
till the time she left him.
I lived in 30 yds. of his house.
I was there at my father's
house very often. I think
he was good to her; there
never was any trouble be-
tween them that I ever
heard of. I was not at home
at the time she left ^{I was} at David
Hoover's. I have never seen her
since about my father's or
any place else.

And further this deponent saith
not.

^{his}
George X Johnson
mark

Virginia

Lee County to-wit:

I, Geo. A. Orr, a Justice
of the peace in and for Lee
County, Va., do hereby certify
that the depositions of H.B.
Shoemaker, Elbert Johnson
and George Johnson were duly
taken, sworn to and subscribed
to before me at the time and
place and for the purposes
mentioned in the caption.

Given under my hand this
the 26th day of April, 1901
W. J. Orr J.P.

Elkanah Johnson

vs } Depositions

George Ann Johnson

Received from R. L.
Permington and filed
May 2nd 1901

A. B. Munsey Clerk

Witness

J. P.

Pd

.50+

1.50

2.00

In the Clerk's Office of the Circuit Court of the County of
Lee on the 1st day of April 1891.

Elkanah Johnson
against

Plaintiff

In Chancery

Georgia Ann Johnson

Defendant

The object of this suit is to obtain a decree dissolving the bonds of matrimony heretofore contracted and now existing between the plaintiff and the defendant

And an affidavit having been made and filed that the defendant Georgia Ann Johnson

is not ^a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof, be published once a week for four weeks in the South-West Virginian, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the Circuit Court.

A copy—Teste:

Permington Bros p. q.

D. B. Munsey Clerk.

Elkanah Johnson

vs. }

ORDER OF
PUBLICATION.

Georgia Ann Johnson

Virginia Lee County to-wit
J. A. B. Munsey Clerk of the
Circuit Court for Lee County
do hereby certify that I
posted a copy of the within
order of Publication at the
front door of the Court house
of Lee County on the 1st
day of the April term
of the County Court of
said County.
this the 16th day of April
1901.

J. A. B. Munsey Clerk

Commonwealth of Va.

Su County to-wit:-

To the Sheriff or any constable
of said County:

You are hereby commanded
to summon Vincent Shoemaker
and Elbert Johnson to appear
at the law office of E. M. Pennington
in the town of Pennington Gap, the
truth to appear in behalf of
Elkavah Johnson in a certain
suit in equity wherein the
said Elkavah Johnson is
plaintiff and George Ann John-
son is defendant. on the 26th
day of April, 1901.

Given under my hand
this the 13th day of April, 1901,
W. S. Orr J. P.

Elkanah Johnson

vs } Subpoena

George Ann Johnson

Exhibited By Summons
ing the Within named
Witnesses under the
Penalty of the Law
this April 22 and 1901.

E. A. Carter

C. R. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting :

WE COMMAND YOU THAT YOU SUMMON

Wm

Bowman

Circuit Court Clerk
to appear before the ~~Judge~~ of our Circuit Court of the County of Lee, at the court-house
thereof, on the *24* day of *April* 189*01*, to testify and the truth to say
in behalf of the *Elk Johnson*, in a certain matter of controversy in our said court
before the said Judge depending and undetermined between

Elkanah Johnson Plaintiff, and

George Allen Johnson

, Defendant . And this

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house the *24* day of

April

189*01*, and in the 12 *6* year of the Commonwealth.

A B Munsey Clerk

Elmer Johnson

vs.

}

SUBPOENA

FOR

WITNESS.

John L. Johnson

Court,

the 24 day of Apr

1901 189
Remington Bros

Executed Apr 24
1901 by
Wm. Johnson to
apies before circuit
court clerk
Wm. Mitchell
J. E.

**CERTIFICATE OF
ORDER OF PUBLICATION.**

I, A. M. Goins, Editor of the **SOUTH-
WEST VIRGINIAN**, a weekly newspa-
per published at Jonesville, Lee County,
Va., do hereby certify that the annex-
ed notice was published in said paper
once a week for four successive weeks,
commencing on the 4th day of

April, 1901

A. M. Goins, EDITOR.

FEE, \$5 00

Order of Publication.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee on
the 1st day of April, 1901.

Elkanah Johnson, Plff. }
 against } In Chancery.
Georgia Ann Johnson, Dft }

The object of this suit is to obtain a de-
gree dissolving the bonds of matrimony
heretofore contracted and now existing
between the plaintiff and the defendant.

And an affidavit having been made and
filed that the d'ft. Georgia Ann Johnson is
not a resident of the State of Virginia, it
is ordered that she do appear here within
fifteen days after due publication hereof,
and do what may be necessary to protect
her interest in this suit. And it is further
ordered that a copy hereof be published
once a week for four week in the South-
west Virginian, and that a copy be posted
at the front door of the court-house of this
county on the first day of the next term of
county court.

A copy—Teste:

A. B. MUNSEY, Clerk.

Pennington Bros., p. q.

4-4 -014.

ORDER OF PUBLICATION.

Elkanah Johnson, Plff

VS.

IN CHANCERY.

Georgia Ann Johnson, Deft.

FEE

\$5.00

Rec'd payment
June 3, 1901.

A. M. Goins
Pub.